IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPEAL NO.1480 OF 2003

The State of Maharashtra .. Appellant.
V/s.
Dnyaneshwar Sahadu Gopale ..Respondent.

Shri D.S. Mhaispurkar, A.P.P. for the Appellant/State

CORAM : S.B. MHASE &
ANOOP V.MOHTA, JJ.

DATE : 22ND NOVEMBER, 2004.

P.C.

. Heard Mr. Mhaispurkar. We have gone through the Judgment and the material which was pointed out to us. There is no direct evidence of eye witnesses available. So far as circumstantial evidence is concerned, even though daughter of the deceased says that the accused and the deceased have left the house in the morning together, however, she has stated that the mother returned back after some time and thereafter she did not went out from the house and her dead body was found in the grazing field (Gayran). Therefore, this cannot be said to be the evidence, as last seen together. The only piece of evidence as said to be against the accused is, the recovery of the Saree of the deceased at the instance of the accused. However, it is

to be noted that the daughter of the deceased was earlier examined by the police and those clothes of the deceased were identified by the daughter. If the clothes were already with the accused, how it can be discovery under Section 27 of the Evidence Act and this has been correctly considered by the trial Judge in proper perspective. No interference is called for. Leave to appeal is rejected.

. Parties concerned to act on a simple copy of this order, duly authenticated by the Registry of this Court.

[ANOOP V. MOHTA, J.] **[S.B.MHASE, J.]**